

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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Vitamins Antitrust Litigation : MDL 1285
: Misc. No. 99-197 (TFH)
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All Actions :
----- x

FILED

FEB 14 2002

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

~~PROPOSED~~
STIPULATION AND ORDER PURSUANT TO
FIFTH AMENDMENT PROTOCOL

WHEREAS, on December 4, 2001, the Special Master recommended that a certain protocol be followed for taking depositions of certain individuals who intend to take the Fifth Amendment in response to questions propounded by plaintiffs in the above captioned litigation.

WHEREAS, on December 21, 2001, Judge Hogan issued a memorandum opinion and order implementing a certain protocol for taking depositions of certain individuals who intend to take the Fifth Amendment in response to questions propounded by plaintiffs in the above captioned litigation (the "December 21 Order").

WHEREAS, on January 16, 2002, Judge Hogan issued a second order implementing a certain protocol for taking depositions of certain individuals no longer employed by, among others, F. Hoffmann-La Roche Ltd or its affiliates, who intend to take the Fifth Amendment in response to questions propounded by plaintiffs in the above captioned litigation (the "January 16 Order").

WHEREAS, plaintiffs have stated their intent to issue notices of deposition for Othmar J. Bachmann, Balkar Bains, James Lyndon Davies, Antonio Ruy Friere, Daniel Froehli, Steven Gala, Heinrich Grunig, Cajetan Hurzeler, John Hyde, Georg Kau, Robert Marti, Heinz Muller-Buttmann, Susan Oh, Ian Partridge, Robert Redman, Jacobus Reurts, Herbert Saxer, Claude Schreiner, Marcelo Testorelli, Alberto Nilson and Jorge Sisniega.

and WHEREAS, plaintiffs have stated their intent to re-notice William Keller, Leonard Scott and Claude Schmutz.

IT IS HEREBY STIPULATED AND AGREED that (1) plaintiffs will be deemed to have issued deposition notices for the 24 individuals identified above; (2) that, in response, each current employee or his or her counsel will be deemed to have provided a declaration compliant with the Court's December 21 Order; (3) each former employee or his counsel will be deemed to have provided a declaration compliant with the Court's December 21 and January 16 Orders; (4) counsel for F. Hoffmann-La Roche Ltd will be deemed to have complied with the Court's January 16 Order; (5) all other provisions of the December 21 Order, including, without limitation, paragraph numbered 4 regarding use of deponent's intent; paragraph numbered 5 regarding trial; and paragraphs numbered 6 and 7 regarding recant shall apply with full force and effect.

All objections to the propriety of a notice of deposition, discovery under U.S. procedures and the jurisdiction of the court that the individuals identified above may have are expressly preserved; although none of those objections shall be grounds for

challenging this stipulation. This stipulation is not indicative of any continuing relationship between any former employee and F. Hoffmann-La Roche Ltd and/or its affiliates.

Dated: New York, New York
February 11, 2002

DAVIS POLK & WARDWELL

By: 

Lawrence Portnoy

450 Lexington Avenue
New York, New York 10017
(212) 450-4000

Attorneys for F. Hoffmann-La Roche Ltd

FREEMAN, FREEMAN & SALZMAN PC

By: 

John F. Kinney

401 N. Michigan Avenue
Suite 3200
Chicago, Illinois 60611
(312) 222-5100

Attorneys for certain plaintiffs and on behalf
of all plaintiffs in the above captioned
litigation

So Ordered

Dated: February 14, 2002 

Thomas F. Hogan
United States District Judge